

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARTIN T. FRANCO, JR.,
TDCJ-ID NO.490569,
Plaintiff,

vs.

TEXAS DEPARTMENT OF CRIMINAL.
JUSTICE
Defendant.

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CIVIL ACTION NO. H-05-898

ORDER OF DISMISSAL

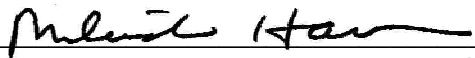
Plaintiff, a full-time administrative segregation/protective custody inmate, currently incarcerated in the Ramsey I Unit in Rosharon, Texas, has filed a civil rights complaint (Docket Entry No.1) and an application to proceed *in forma pauperis*. (Docket Entry No.2). Because of plaintiff's previous abuses of the federal judicial system, this case will be dismissed.

Plaintiff has been sanctioned by three of the four federal district courts in Texas and barred from filing any further actions unless he has paid the filing fee in full and a United States magistrate judge has certified that the pleading was filed in good faith. *See Franco v. Brazoria County State Prison-Ramsey I Unit*, Civil Action G:-4-715 (S.D. Dec. 14, 2004) (citations omitted); *Franco v. Mr. Williams*, Civil Action No.H-02-1171 (S.D. Tex. Apr. 4, 2002) (citations omitted). It is policy for the United States District Court for the Southern District of Texas to honor sanctions assessed by other district courts in Texas. Other suits filed by Franco in the Southern District have been dismissed pursuant to the sanctions imposed against him as a result of his abusive filing practices. *See Franco v. Texas Dep't of Criminal Justice*, Civil Action No.H-99-625 (S.D. Tex. Aug. 20, 1999). Plaintiff has not sought specific authorization for filing this action nor paid the filing fee of \$250. His complaint does not indicate that he is immediate danger of serious physical harm.

After reviewing the pleadings filed by plaintiff and his litigation history, this Court has determined that it will enforce the sanctions of the sister courts. Plaintiff is DENIED authorization to prosecute this complaint and the complaint is DISMISSED, without prejudice, subject to plaintiff complying with all sanction orders and paying the entire filing fee. All pending motions are further DENIED. (Docket Entry No.2).

The Clerk will provide a copy of this Order to all parties, to the TDCJ - Office of the General Counsel, P.O. Box 13084, Capitol Station, Austin, TX 78711, Fax 512-936-2159; and to the Clerk of the United States District Court for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Betty Parker.

SIGNED at Houston, Texas, this 7th day of June, 2005.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE